

Exhibit J

State Water Resources Control Board

MAR 17 2015

Ms. Gail Farber
Director of Public Works
County of Los Angeles
900 South Fremont Avenue
Alhambra, CA 91803

Dear Ms. Farber:

COMMENTS ON DRAFT COMPLIANCE PLAN FOR LAGUNA POINT TO LATIGO POINT (NO. 24) AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE FROM THE COUNTY OF LOS ANGELES, THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, AND THE CITY OF MALIBU

The State Water Resources Control Board (State Water Board) received the Areas of Special Biological Significance (ASBS) draft Compliance Plan and draft Pollution Prevention Plan from the County of Los Angeles, the Los Angeles County Flood Control District, and the City of Malibu dated September 20, 2014. A draft compliance plan and draft pollution prevention plan are required under sections I.A.3.b and I.B.2.a of Attachment B of the State Water Board's Resolution No. 2012-0012 *Approving Exceptions to the California Ocean Plan for Selected Discharges into ASBS, Including Special Protections for Beneficial Uses, and Certifying a Program Environmental Impact Report (General Exception)*. Attachment B in the General Exception contains the *Special Protections for ASBS, Governing Point Source Discharges of Storm Water and Nonpoint Source Waste Discharges (Special Protections)*, which describes special conditions required of the discharger.

State Water Board staff has reviewed the draft Compliance Plan and draft Pollution Prevention Plan and provides the following comments:

1. **Map of storm water runoff:** Section I.A.2.a. of the Special Protections requires a map of storm water runoff that highlights the prioritized discharges and a description of any structural Best Management Practices (BMPs) already employed or to be employed. Priority discharges are those that pose the greatest water quality threat and which are identified to require installation of structural BMPs. Section I.A.2.f. states that the ASBS Compliance Plan shall describe structural BMPs, including any low impact development (LID) measures, currently employed and planned for higher threat discharges and shall include an implementation schedule. Higher threat discharges include permitted storm drains equal to or greater than 18 inches in diameter or width.

Appendix A in the draft Compliance Plan includes a map of storm water runoff and the planned structural BMP at Broad Beach Road. However, the draft Compliance Plan does not identify priority discharges, stating that none of the evaluated outfalls fall into

this category, since receiving water monitoring results met the Table B Instantaneous Maximum Water Quality Objectives in Chapter II of the Ocean Plan, and consequently that additional structural BMPs are not necessary. To clarify, in determining exceedances of the natural water quality and identifying priority discharge locations, receiving water monitoring data is compared to the 85th percentile of the threshold of reference water quality data, not to Ocean Plan Table B Instantaneous Maximum Water Quality Objectives. In the draft Compliance Plan, the receiving water monitoring results show levels of constituents higher than the 85th percentile threshold of reference water quality data, indicating that additional structural BMPs are required. Staff noted similarities in elevated levels of constituents at core discharge ASBS-028 and its associated receiving water site ASBS-S02. Therefore, core discharge ASBS-028 should be identified as a priority discharge location. In the final Compliance Plan, please identify priority discharges on the map, describe additional structural BMPs and explain how they will reduce pollutants in storm water runoff, and update the implementation schedule accordingly.

2. **Non-authorized non-storm water runoff:** Section I.A.2.b. of the Special Protections requires a description of the measures by which all non-authorized non-storm water runoff has been eliminated, how the measures will be maintained over time, and how these measures are monitored and documented.

The draft Compliance Plan describes actions being taken to eliminate flows that reach the surf. Although dry weather flows that did not reach the surf were observed during dry weather inspections of outfalls, there is no explanation of how these flows will be eliminated. In the final Compliance Plan, please address how dry weather flows will be eliminated as well as how these measures will be maintained over time and how they will be monitored and documented.

3. **Implementation schedule:** Section I.A.3.d. of the Special Protections stipulates that any structural controls identified in the final Compliance Plan be operational within six years of the effective date. Section I.A.3.e. specifies that all dischargers must comply with the requirement that their discharges into the affected ASBS maintain natural ocean water quality within six years of the effective date.

The draft Compliance Plan lists March 20, 2019 as the date by which necessary structural controls shall be operational and by which all discharges must be in compliance with the General Exception requirements. The 12-month extension that was granted by the State Water Board applies to the deadlines for the draft and final Compliance Plans. This extension does not apply to the March 20, 2018 deadline for necessary structural controls or compliance with the General Exception requirements. Please be aware that the correct date is March 20, 2018 and that this is the date that should be listed in the implementation schedule.

4. **Exceedances in natural water quality:** Section I.A.3.e. of the Special Protections requires that, if initial results of post-storm receiving water quality testing indicate levels higher than the 85th percentile threshold of reference water quality data and the pre-storm receiving water levels, then the discharger must re-sample the receiving water pre- and post-storm.

The results for receiving water site ASBS-S02 indicate that exceedances in water quality were detected for multiple constituents during receiving water monitoring. Therefore,

ASBS-S02 must be re-sampled pre- and post-storm for an additional storm event. If after re-sampling the post-storm levels are still higher than the 85th percentile threshold of reference water quality data and pre-storm receiving water levels for any constituent, then natural ocean water quality is exceeded, and consequently an exceedance report must be submitted as stipulated in Section I.A.2.h of the Special Protections.

5. **Ocean receiving water monitoring:** Section IV.B.2.b. of the Special Protections requires that a minimum of three ocean receiving water samples must be collected during each storm season from each station, each from a separate storm. It further specifies that a minimum of one receiving water location shall be sampled in each ASBS per responsible party in that ASBS.

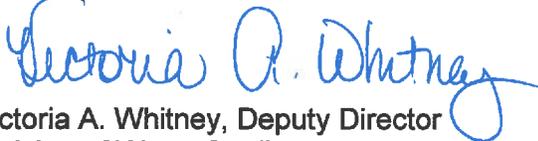
Due to participation in the Southern California Bight 2008 regional monitoring effort, monitoring requirements for the County of Los Angeles, the Los Angeles County Flood Control District, and the City of Malibu were limited to only one storm season. The data from the remaining storm season were included in the draft Compliance Plan and indicate that only one receiving water site (ASBS-S02) was sampled successfully for three storm events. The remaining two sites (ASBS-S01 and 24-BB-03R) were only successfully sampled pre- and post-storm during one storm event. Staff understands that the City of Malibu will continue wet weather monitoring into the 2014-2015 wet season and that this sampling may be performed before submittal of the final Compliance Plan. Additionally, receiving water site ASBS-S01 and its associated core discharge ASBS-016 must be sampled for two additional storm events, to account for the incomplete previous monitoring events.

Also, staff noticed that outfall 24-BB-01Z is included on the map and the outfall descriptions, yet there were no results presented for this outfall, even though the draft Compliance Plan states that it was successfully sampled during the February 28, 2014 storm event. Please include results from that sampling event in the final Compliance Plan.

Staff appreciates the efforts of the County of Los Angeles, the Los Angeles County Flood District, and the City of Malibu on the draft Compliance Plan and will continue to collaborate to resolve the comments mentioned in this letter as needed. Please submit the final Compliance Plan addressing these comments for approval by the State Water Board Executive Director by September 20, 2015.

For further questions pertaining to this subject matter, please contact Dr. Kimberly Tenggardjaja at (916) 341-5473 or Kimberly.Tenggardjaja@waterboards.ca.gov or Dr. Maria de la Paz Carpio-Obeso, Ocean Unit Chief, at (916) 341-5858 or MarielaPaz.Carpio-Obeso@waterboards.ca.gov.

Sincerely,



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Division of Water Quality

cc: Mr. Jonathan Bishop

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